

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CANDY TORRES,

Plaintiff

v.

ALLAN ROTHSTEIN and KYLE
PUNTNEY,

Defendants

Case No.: 2:19-cv-00594-APG-EJY

Order

[ECF No. 247]

Near the end of the trial, this case was stayed because defendant Allan Rothstein filed a bankruptcy petition. Plaintiff Candy Torres moved the bankruptcy court for relief from the automatic stay, requesting that the trial in this court be resumed and a judgment entered, after which Torres and Rothstein can return to the bankruptcy court for claims administration. *In re Allan Nathan Rothstein*, Case No. 22-13553-abl, ECF No. 17. The bankruptcy court granted that motion. ECF No. 245. Consequently, I set this matter for a status conference on January 18, 2023 to discuss completing the trial. ECF No. 246.

On January 3, 2023, Rothstein filed a “notice of removal” in which he appears to seek having the trial conducted in the bankruptcy court. ECF No. 247. To the extent that Rothstein is requesting that I refer the trial to the bankruptcy court, I deny that request. The trial before me is nearly completed and it would be a waste of time and resources to have the parties start over before the bankruptcy court. To the extent that Rothstein contends this matter is automatically referred to the bankruptcy court through Local Bankruptcy Rule 1001, I may withdraw the reference on my own motion “for cause shown.” 28 U.S.C. § 157(d). The “efficient use of judicial resources, delay and costs to the parties,” and “the prevention of forum shopping” weigh

1 in favor of withdrawing the reference solely for purposes of concluding the trial. *Vacation Vill.,*
2 *Inc. v. Clark Cnty., Nev.*, 497 F.3d 902, 914 (9th Cir. 2007) (quotation omitted). The “uniformity
3 of bankruptcy administration” will not be undermined because Torres conceded in her motion
4 before the bankruptcy court that any judgment she obtains in this court will be administered
5 through the bankruptcy proceedings. *Id.* (quotation omitted).

6 I THEREFORE ORDER that defendant Allan Rothstein’s “notice of removal” (**ECF No.**
7 **247**) is **DENIED**. The January 18, 2023 status conference will go forward and the trial will be
8 completed in this court.

9 I FURTHER ORDER the clerk of the court to update Rothstein’s address as follows and
10 to mail a copy of this order to him at this address:

11 Allan Nathan Rothstein
12 8616 Canyon View Drive
13 Las Vegas, NV 89117

14 DATED this 4th day of January, 2023.



15 ANDREW P. GORDON
16 UNITED STATES DISTRICT JUDGE
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